

Boyd, David

From: Obledo, Micaela
Sent: Tuesday, October 18, 2011 12:02
To: 'Wayne Samson'
Subject: FW: Interim Guidance on Occupy protests

Common sense, but FYI

From: Spangler, Mark
Sent: Monday, October 17, 2011 4:25 PM
To: Degraffenreid, Calvin; Kaderli, Paul; Lutey, Russell; Obledo, Micaela; Hom, Patricia; Pearson, Amber; Reardon, Christine; Rush, Mathew; Schmidt, JJ; Swann, Jay; Sweeney, Tom; Wereley, Kimberly; Zaccheus, Juan
Cc: Gay, Troy
Subject: FW: Interim Guidance on Occupy protests

A good reminder that everything we touch MUST have the criminal nexus.

Mark Spangler, Lieutenant
974-6842

From: Cleary, Scott [<mailto:Scott.Cleary@dhs.gov>]
Sent: Monday, October 17, 2011 3:14 PM
To: Patricia.Nunez@txdps.state.tx.us; todd.bensman@txdps.state.tx.us; Stephen.Meiners@txdps.state.tx.us; Sweeney, Tom; Spangler, Mark; Jaeson.Jones@txdps.state.tx.us
Subject: FW: Interim Guidance on Occupy protests

ALCON,

Just FYSA for you. With the Occupy Wall Street protests happening all over the country, its generated a lot of attention in fusion centers across the country. Some of our deployed IOs have been asked to get involved in some FC activities that could have Privacy and CR/CL implications. Below is the guidance we've been given. Please let me know if you have questions or concerns.

To clarify, no issues at any FC in Texas that I'm aware of.

Scott

From: Privreview
Sent: Monday, October 17, 2011 4:02 PM
To: Byers, Shala; CRCL Product Review; Privreview
Cc: SL_Support; Nill, Robert; Parker, Paul (CTR)
Subject: RE: Guidance Requested: Occupy Wall Street

PRIV and CRCL supports the position that the Occupy Wall Street-type protesters mostly are engaged in constitutionally protected activity. We maintain our longstanding position that DHS should not report on activities when the basis for reporting is political speech. We would also be loath to pass DHS requests for more information on the protests along to the appropriate fusion centers without strong guidance that the vast majority of activities occurring as part of these protests is protected. To do otherwise might give the appearance that DHS is attempting to circumvent existing restrictions, policies, and laws.

To a large degree, these protests are no different from any other protests/events from civil liberties, civil rights and privacy perspectives. The issue is not the assembly of the groups nor the message of the participants, it is only (as far as DHS is concerned) illegal or suspicious behavior related to a DHS mission that occurs during the protests. A possible

exception would be reports on the environment created at the protests sites that would endanger public health and safety, where the health and safety concern relates to a DHS mission.

So there are certainly some circumstances that may allow limited reporting on behavior that is coincident and collocated with Occupy Wall Street-like protests. Persons demonstrating illegal or suspicious behavior and attempting to use the protests to obscure their activity could be reported, as long as there is no attempt to link the suspicious/illegal behavior to first amendment protected activity. Indeed, the normal CRCL and PRIV guidance used for HIRs and intelligence products would apply, as it is only the behavior which is being addressed.

We hope this short and quick response will be helpful, but if the desire for formal guidance still exists, we would be happy to start the drafting process. Undoubtedly, drafting formal guidance would require a bit more time to gain the necessary clearances.



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